



Handwritten signature/initials.

Docket No. MBI-0025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: ADAM, Luc

Title: GENES FOR MODIFYING PLANT TRAITS IV

Serial No.: 09/934,455 Filing date: August 22, 2001

Examiner: Unassigned Group Art Unit: 1638

RECEIVED

JUN 27 2002

TECH CENTER 1600/2900

Commissioner of Patents and Trademarks
Washington, D.C. 20231

SUBMISSION OF INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97(b)

Dear Sir:

Please find enclosed herewith the Information Disclosure Statement (Form 1449) and a total of seventy-eight (78) references for the above-referenced patent application. Applicant believes that this Information Disclosure Statement has been filed within the time limits as set forth in 37 C.F.R. 1.97(b).

This Submission and Information Disclosure Statement are timely filed. However, if the PTO determines that a fee is due, the Commissioner is hereby authorized to charge or credit (respectively) Mendel Biotechnology, Inc. Deposit Account No. 50-1025. This form is enclosed in duplicate.

Respectfully submitted,

Date: 19 June 2002

By:

Handwritten signature of Matthew R. Kaser, D.Phil.
Matthew R. Kaser, D.Phil.
Registration No. 44,817

Mendel Biotechnology, Inc.
21375 Cabot Blvd.
Hayward, California 94545
Phone: (510) 259-6120
Fax: (510) 264-0254

09/934,455



Docket No. MBI-0025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: ADAM, Luc

Title: GENES FOR MODIFYING PLANT TRAITS IV

Serial No.: 09/934,455 Filing date: August 22, 2001

Examiner: Unassigned Group Art Unit: 1638

Commissioner of Patents and Trademarks
Washington, D.C. 20231

RECEIVED

JUN 27 2002

TECH CENTER 1600/2900

SUBMISSION OF INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97(b)

Dear Sir:

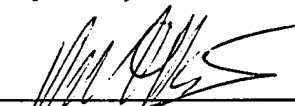
Please find enclosed herewith the Information Disclosure Statement (Form 1449) and a total of seventy-eight (78) references for the above-referenced patent application. Applicant believes that this Information Disclosure Statement has been filed within the time limits as set forth in 37 C.F.R. 1.97(b).

This Submission and Information Disclosure Statement are timely filed. However, if the PTO determines that a fee is due, the Commissioner is hereby authorized to charge or credit (respectively) Mendel Biotechnology, Inc. Deposit Account No. 50-1025. This form is enclosed in duplicate.

Respectfully submitted,

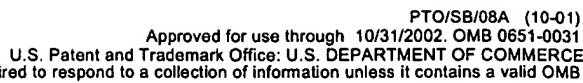
Date: 19 June 2002

By:


Matthew R. Kaser, D.Phil.
Registration No. 44,817

Mendel Biotechnology, Inc.
21375 Cabot Blvd.
Hayward, California 94545
Phone: (510) 259-6120
Fax: (510) 264-0254

09/934,455

[illegible][illegible]

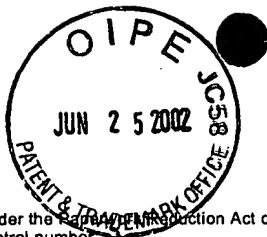
Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

English language translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/934,455
		Filing Date	August 22, 2001
		First Named Inventor	ADAM, Luc
		Group Art Unit	1638
		Examiner Name	Unassigned
		Attorney Docket Number	MBI-0025
Sheet	2	of	9

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	1	Riechmann et al. (2000) Science 290:2105-2110
	2	Riechmann and Meyerowitz (1998) Biol. Chem. 379:633-646
	3	Martin and Paz-Ares (1997) Trends Genet. 13:67-73
	4	Riechmann and Meyerowitz (1997) Biol. Chem. 378:1079-1101
	5	Ishiguro and Nakamura (1994) Mol. Gen. Genet. 244:563-571
	6	Zhang et al. (1992) Plant Cell 4:1575-1588
	7	Klug and Schwabe (1995) FASEB J. 9: 597-604
	8	Buerglin in Duboule (ed.) (1994) Guidebook to the Homeobox Genes, Oxford University Press, Oxford, UK pp 27-71
	9	Forsburg and Guarente (1989) Genes Dev. 3:1166-1178
	10	Klein et al. (1996) Mol. Gen. Genet. 1996 250:7-16
	11	Souer et al. (1996) Cell 85:159-170

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

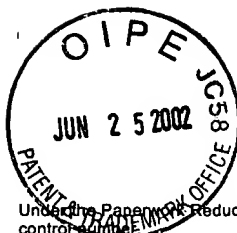
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

TECH CENTER 1600/2900

JUN 27 2002

RECEIVED



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08B (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

+

Substitute for form 1449B/PTO		Complete if Known			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/934,455		
		Filing Date	August 22, 2001		
		First Named Inventor	ADAM, Luc		
		Group Art Unit	1638		
		Examiner Name	Unassigned		
Sheet	3	of	9	Attorney Docket Number	MBI-0025

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	12	Rouse et al. (1998) Science 279:1371-1373
	13	Littlewood et al. (1994) Prot. Profile 1:639-709
	14	Tucker et al. (1994) EMBO J. 13:2994-3002
	15	Foster et al. (1994) FASEB J. 8:192-200
	16	da Costa e Silva et al. (1993) Plant J. 4:125-135
	17	Bustin and Reeves (1996) Prog. Nucl. Acids Res. Mol. Biol. 54:35-100
	18	Di Laurenzio et al. (1996) Cell 86:423-433
	19	Wu et al (1997) Plant Physiol. 114:1421-1431
	20	Kennison (1995) Annu. Rev. Genet. 29:289-303
	21	Luo et al. (1996) Nature 383:794-799
	22	Giraudat et al. (1992) Plant Cell 4:1251-1261

TECH CENTER 1600/2900

JUN 27 2002

RECEIVED

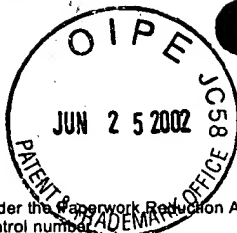
Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

+



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B/PTO		Complete if Known	
		Application Number	09/934,455
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Filing Date	August 22, 2001
		First Named Inventor	ADAM, Luc
		Group Art Unit	1638
		Examiner Name	Unassigned
		Attorney Docket Number	MBI-0025
Sheet	4	of	9

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	23	Dehesh et al. (1990) Science 250:1397-1399
	24	Chao et al. (1997) Cell 89:1133-1144
	25	Reeves and Nissen (1990) J. Biol. Chem. 265:8573-8582
	26	Zhou et al. (1995) Nucleic Acids Res. 23:1165-1169
	27	Lu and Ferl (1995) Plant Physiol. 109:723
	28	Bowman et al. (1999) Development 126:2387-2396
	29	Bohmert et al. (1998) EMBO J. 17:170-80
	30	Kim et al. (1997) Plant J. 11:1237-1251
	31	Ishiguro and Nakamura (1994) Mol. Gen. Genet. 244:563-571
	32	Hall et al. (1998) Plant Cell 10:925-936
	33	Boggon et al. (1999) Science 286:2119-2125

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

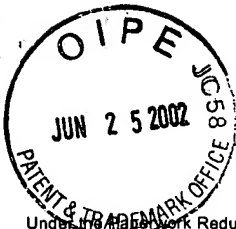
¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

TECH CENTER 1600/2900

JUN 27 2002

RECEIVED



Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/934,455
		Filing Date	August 22, 2001
		First Named Inventor	ADAM, Luc
		Group Art Unit	1638
		Examiner Name	Unassigned
		Attorney Docket Number	MBI-0025
Sheet	5	of	9

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	34	Wu (1995) Annu Rev Cell Dev Biol 11:441-469	TECH CENTER 1600/2900 JUN 27 2002
	35	Christiansen et al. (1996) Plant Mol Biol 32:809-821	
	36	Jensen et al. (1998) FEBS letters 436:283-287	
	37	Janik et al. (1989) Virology 168:320-329	
	38	Cubas P, et al. (1999) Plant J. 18:215-222	
	39	Fridborg et al. (1999) Plant Cell 11:1019-1032	
	40	Cvitanich et al. (2000) Proc. Natl. Acad. Sci. 97:163-8168	
	41	Ulmasov, et al. (1999) Proc. Natl. Acad. Sci. 96: 5844-5849	
	42	Collingwood et al. (1999) J. Mol. End. 23:255-275	
	43	Seguin et al. (1997) Plant Mol Biol. 35:281-291	
	44	da Costa e Silva et al. (1994) Plant Mol Biol. 25:921-924	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/934,455
		Filing Date	August 22, 2001
		First Named Inventor	ADAM, Luc
		Group Art Unit	1638
		Examiner Name	Unassigned
		Attorney Docket Number	MBI-0025
Sheet	6	of	9

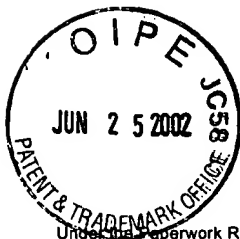
OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	45	Vazquez et al. (1999) Development 126:733-742	TECH CENTER 1600/2900 JUN 27 2002
	46	Balciunas et al. (2000) Trends Biochem Sci. 25: 274-276	
	47	Schauser et al. (1999) Nature 402:191-195	
	48	Kaelin et al. (1992) Cell 70:351-364	
	49	Knaap et al (2000) Plant Physiol. 122: 695-704	
	50	Stemmer (1994) Nature 370:389-391	
	51	Stemmer (1994) Proc. Natl. Acad. Sci. 91:10747-10751	
	52	Moore et al. (1998) Proc. Natl. Acad. Sci. 95:376-381	
	53	Aoyama et al. (1995) Plant Cell 7:1773-1785	
	54	Ma and Ptashne (1987) Cell 51:113-119	
	55	Giniger and Ptashne (1987) Nature 330:670-672	

Examiner Signature		Date Considered	
---------------------------	--	------------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/08B (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/934,455
		Filing Date	August 22, 2001
		First Named Inventor	ADAM, Luc
		Group Art Unit	1638
		Examiner Name	Unassigned
		Attorney Docket Number	MBI-0025
Sheet	7	of	9

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	56	Odell et al. (1985) Nature 313:810-812	TECH CENTER 1600/2900 JUN 27 2002
	57	An et al. (1988) Plant Physiol. 88:547-552	
	58	Fromm et al. (1989) Plant Cell 1: 977-984	
	59	Bird et al. (1988) Plant Mol Biol 11:651-662	
	60	Ringli and Keller (1998) Plant Mol Biol 37:977-988	
	61	Kaiser et al. (1995) Plant Mol Biol 28:231-243	
	62	Baerson et al. (1994) Plant Mol Biol 26:1947-1959	
	63	Ohl et al. (1990) Plant Cell 2:837-848	
	64	Baerson et al. (1993) Plant Mol Biol 22:255-267	
	65	van der Kop et al. (1999) Plant Mol Biol 39:979-990	
	66	Baumann et al. (1999) Plant Cell 11:323-334	

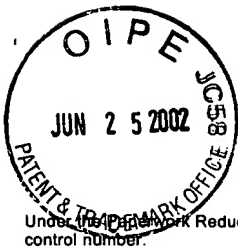
Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

RECEIVED



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B/PTO		Compleat if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/934,455
		Filing Date	August 22, 2001
		First Named Inventor	ADAM, Luc
		Group Art Unit	1638
		Examiner Name	Unassigned
		Attorney Docket Number	MBI-0025
Sheet	8	of	9

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	67	Guevara-Garcia (1998) Plant Mol Biol 38:743-753	TECH CENTER 1600/2900 JUN 27 2002
	68	Shi et al. (1998) Plant Mol Biol 38:1053-1060	
	69	Willmott et al. (1998) 38:817-825	
	70	Ainley et al. (1993) Plant Mol Biol 22:13-23	
	71	Kuhlemeier et al. (1989) Plant Cell 1:471-478	
	72	Schaffner and Sheen (1991) Plant Cell 3:997-1021	
	73	Siebertz et al. (1989) Plant Cell 1: 961-968	
	74	Buchel et al. (1999) Plant Mol. Biol. 40:387-396	
	75	Manners et al. (1998) Plant Mol. Biol. 38:1071-1080	
	76	Gatz et al. (1997) Annu. Rev. Plant Physiol. Plant Mol Biol 48: 89-108	
	77	Gan and Amasino (1995) Science 270:1986-1988	

Examiner Signature		Date Considered	
---------------------------	--	------------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

JUN 25 2002

PATENT & TRADEMARK OFFICE

PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Compl te if Kn wn	
Application Number				09/934,455	
Filing Date				August 22, 2001	
First Named Inventor				ADAM, Luc	
Group Art Unit				1638	
Examiner Name				Unassigned	
Attorney Docket Number				MBI-0025	
Sheet	9	of	9		

[illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

RECEIVED

2007, 7, 2, 1100

TECH CENTER 1600/2900